FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8162 OF 2006

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. P.S. Dani for petitioner.
Ms. P.P. Tendulkar for respondent.

CORAM: B.H. MARLAPALLE,J.

26/04/2007.

P.C.:

. This petition has been filed by the original defendant in Regular Civil Suit No. 137 of 1996 and the same suit was dismissed by the learned Joint Civil Judge, J.D., Alibag. The plaintiff, therefore, filed Regular Civil Appeal No. 104 of 2005, which came to be allowed by the learned Ad-hoc District Judge (I) Raigad at Alibag on 25/9/2006.

. The petitioner, therefore, has a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006 vide

the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioner to file a Civil Revision Application and if such an application is filed within a period of four weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Status quo order passed earlier will continue for two weeks. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)